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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,673	11/10/2003	Satoshi Mizutani	20050/0200473-US0	4666
7278	7590	08/22/2005	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			REICHLE, KARIN M	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

subchapter Sop

<b>Office Action Summary</b>	Application No. 10/705,673	Applicant(s) MIZUTANI ET AL.	
	Examiner Karin M. Reichle	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 3-18 and 21-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 19-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/04, 11/04, 7/04, 11/04</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of the layer configuration species of Figure 43, the pad and inner wrapping configuration species of Figure 6A, the outer wrapping configuration species of Figure 22 and the outer package configuration species of Figures 51 in the reply filed on 6-13-05 is acknowledged.

2. Claims 3-18, and 21-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7-7-05.

Claims 3, and thereby claim 4, and claims 5-10, 12-18 and 21-25 are withdrawn either because the Figures of the elected species do not show the claimed structure, e.g. Figure 6 does not show a pre-unwrapped opening as claimed in claim 5, i.e. the elected species has exposure and separation simultaneously, or it is unclear whether such read on the elected species or not, e.g. in claim 3, what "said mini sheet pieces"? No such pieces are claimed in claims 1-3.

### *Specification*

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

For Example:

### *Drawings*

4. The drawings are objected to because cross-sectional lines, e.g. A-A in Figure 1, should be denoted by Roman or Arabic numerals not letters. In Figure 28, the adhesive, see page 48, lines 15-16, should be denoted. In Figures 32(A)-(B) the Japanese labeling should be set forth in English. The Figures should be consistent with the description thereof throughout the specification, e.g. pages 29-34, e.g. the description of Figure 1 refers to Figs. 1A-D not 1(A)-(D) and Figure 44 is a sectional view but is not described as such. The Figures and descriptions thereof throughout the specification should be carefully reviewed and revised, as necessary, to provide a consistent description both pictorially and textually. Applicant is thanked in advance for his/her assistance in placing the specification in consistent form. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Description*

5. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the abstract.

6. The abstract of the disclosure is objected to because the abstract should be limited to a single paragraph. Also terminology which can be inferred, e.g. "The present invention relates to", should be avoided. Correction is required. See MPEP § 608.01(b).

7. The disclosure is objected to because of the following informalities: The specification is replete with informalities. For example: 1) On page 2, line 18, "Disclosure of the Invention" should be --Summary of the Invention--. 2) The Summary of the Invention section, i.e. a description of the claimed invention, and the invention of the claims is not commensurate in scope, see MPEP 608.01(d). 3) On page 48, lines 15-16, the adhesive shown in Figure 28 should be denoted. 4) As discussed supra, the Figures should be consistent with the description thereof throughout the specification, e.g. pages 29-34, e.g. the description of Figure 1 refers to Figs. 1A-D not 1(A)-(D), Figure 44 is a sectional view but is not described as such, on page 34, line 26, "Fig. 1" should be --Figures 1(A)-(D). 5) "Best Mode of Carrying Out the Invention" on page

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34, line 19 should be --Detailed Description of the Invention--. 6) Is the broken line 15 only provided in the rear face of the wrapping container? If so, how is the front face of the wrapping container divided as shown in Figure 7? It should be noted that the front face of the wrapping container is believed to be as shown in Figures 1(D) or 3(B), i.e. how is tape 14 and sealed longitudinal ends on the front end torn? 7) Also the amendment to page 33, line 20 could not be entered as it did not comply with 37 CFR 1.121, i.e. did not show all the added language underlined and deleted language struck thru. If Applicant desires entry of such changes an amendment in compliance with 37 CFR 1.121 should be submitted with the next response, if any. The specification should be carefully reviewed and revised, as necessary, to overcome all the informalities. Applicant is thanked in advance for the cooperation in placing the specification in proper form.

Appropriate correction is required.

### *Claim Objections*

8. Claims 1-2 and 19-20 are objected to because of the following informalities: In claim 1, lines 5-7, as best understood, "turns...wearing" should be --defines a member for applying--. Lines 3 et seq of claim 2, as best understood, should be --a finger insertion portion for inserting a finger in each of two portions of the container which become said two separated sections after separation, respectively, and when said wrapping container is separated into said two separated sections, a finger is inserted within each of the finger insertion portions--. In claim 19, lines 3 and 4, "the"(each) should be --a--. Appropriate correction is required.

***Claim Language Interpretation***

9. The claim terminology is interpreted in light of the specific definitions on page 6, lines 12-16 and the paragraph bridging pages 25-26. Any other claim language not specifically defined has been interpreted in view of the usual and common meaning of such, i.e. the dictionary definition. It is noted that the dictionary defines “separated” as “spaced apart”, i.e. does not require complete separation. Also, as best understood, the terminology “wrapping body” refers to the combination of the wrapping container and the pad, and the “wrapping container” is the finished product of “wrapping sheet” without the pad.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-2, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Osborn et al PCT ‘575.

Claims 1-2: See Claim Language Interpretation section supra and Osborn at Figures, especially Figures 4 and 5, page 1, lines 8-10, page 6, lines 22-23, page 17, line 32-page 18, line 15, page 19, lines 14-30, i.e. the container for the interlabial pad is 50, the separation portion is 66, the sections which are separated are 68 and each section defines a member for at least inserting the pad and when each section defines such a member fingers are inserted within

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portions of the section, see Figures 5, i.e. the container includes finger insertion portions in each of two portions thereof which become said two separated portions, respectively. It is noted that the claims do not require that the sections be completely separated or severed from each other, i.e. the sections 68 of Osborn are separated from each other, nor require any specifics of the finger insertion portions which patentably distinguish over those portions shown by Osborn. Applicant's attention is invited to Figures 6-7 of the instant application in which the elected species has finger insertion portions in which the fingers are already present therein when the container becomes the two separated sections.

Claims 19-20: see page 19, line 31-page 21, line 19.

### *Conclusion*


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Karin M. Reichle  
Primary Examiner  
Art Unit 3761

KMR  
August 6, 2005